

ASSEMBLY BILL

No. 1163

Introduced by Assembly Member Tran

February 27, 2009

An act to amend Section 11640 of the Probate Code, relating to decedents' estates.

LEGISLATIVE COUNSEL'S DIGEST

AB 1163, as introduced, Tran. Decedent's estates.

Existing law provides for the administration of the estates of decedents. Existing law requires that when all the debts of an estate have been paid, or when the estate is insolvent, and the estate is ready to be closed, the personal representative file a petition for an order for final distribution of the estate.

This bill would make technical, nonsubstantive changes to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 11640 of the Probate Code is amended
- 2 to read:
- 3 11640. (a) When all debts have been paid or adequately
- 4 provided for, or if the estate is insolvent, and the estate is in a
- 5 condition to be closed, the personal representative shall file a
- 6 petition for, and the court shall make, an order for final distribution
- 7 of the estate.

1 (b) The court shall hear and determine and resolve in the order
2 all questions arising under Section ~~21135~~ ~~(ademption by~~
3 ~~satisfaction)~~ *21135, regarding ademption by satisfaction*, or Section
4 ~~6409 (advancements)~~ *6409, regarding advancements*.

5 (c) If debts remain unpaid or not adequately provided for or if,
6 for other reasons, the estate is not in a condition to be closed, the
7 administration may continue for a reasonable time, subject to
8 Chapter 1 (commencing with Section 12200) of Part 11 ~~(time for~~
9 ~~closing estate)~~.